

Personnel Regulations and Professional Code of Conduct

2016



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NOVA SCOTIA

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Personnel Regulations and Code of Professional Conduct for Employees

Introduction

Sections 4 through 6 of the Correctional Services Act enables the Minister to establish

- such classes of persons as may be required for the administration of this Act or any other enactment relating to the provision of correctional services in the Province
- conditions of employment for employees respecting any criminal record of a prospective employee
- requirements for an employee to take an oath of office
- such other conditions that are consistent with the provision of correctional services under this Act or the regulations
- a Code of Professional Conduct for employees and volunteers

In accordance with these provisions, the Correctional Services Regulations were approved by the Executive Council (Cabinet). The regulations came into force on July 1, 2007. The regulations include sections on personnel matters and the Division's Code of Professional Conduct. The most recent amendments to these sections came into force on March 31, 2016. The Code of Professional Conduct is consistent with the Government of Nova Scotia Code of Conduct for Civil Servants, which was also approved by Executive Council effective September 1, 2000.

All employees are informed of the Code of Professional Conduct when hired, and a copy of this booklet is provided to all new employees.

Managers and supervisors must promptly and impartially take appropriate corrective action where violations of the Personnel Regulations or the Code of Professional Conduct are identified.

Definitions

Ex-offender: A person who has been found guilty or convicted of a criminal offence, or has been under the supervision of a correctional authority.

Work environment: Work environment includes the workplace of the employee and activities outside the workplace where the employee or volunteer's behavior or conduct impacts the workplace or working relationship of individuals at the workplace.

Personnel

*Excerpts from the Correctional Services Regulations
(Sections 5 through 20)*

Criminal and background checks for prospective employees

- 5 (1) A prospective employee must consent to criminal and background checks, including testing and interviews.
- (2) A person must not be appointed as an employee in any of the following circumstances:
- (a) if criminal and background checks show that the person has been convicted of any criminal offence for which they have not received a pardon that remains in effect;
 - (b) if criminal charges are pending against the person;
 - (c) if the person's employment duties would include working with persons under the age of 18 and the person is registered with the Child Abuse Registry.

Certification for prospective employees

- 6 (1) Each prospective employee must hold valid first aid and cardiopulmonary resuscitation certificates before beginning employment, if on employment their position would be in a class designated by the Executive Director as requiring those certificates.
- (2) Each prospective employee must hold a valid driver's license before beginning employment, if on employment their position would be in a class designated by the Executive Director as requiring a driver's license.

Scope of employees' responsibilities

- 7 (1) An employee is responsible for the delivery of any correctional services that
- (a) are assigned to the employee in accordance with policies and procedures, standard operating procedures or post orders; or
 - (b) they are directed by their supervisor to deliver.
- (2) An employee must be able and willing to perform duties outside the regular scope of their employment if required in an emergency.

Employee must notify Executive Director of arrest

- 8 An employee who is questioned or charged by the police in connection with alleged criminal activity on the employee's part must notify the Executive Director no later than 72 hours after the time of either of the following occurrences:
- (a) the questioning or being charged by the police;
 - (b) the decision in any criminal proceedings against them.

Screening personnel for intoxicants

- 9 If the Executive Director subjects an employee or volunteer to an intoxicant screening test in accordance with Section 90 of the Act, the Executive Director must
- (a) inform the employee or volunteer of the reason for and the consequences of the test, including the consequences of failure to comply with the testing procedure; and
 - (b) forward each sample submitted for intoxicant screening to an authorized testing facility for testing.

Inspectors' qualifications

- 10 Before designating a person or a class of persons as an inspector under Section 20 of the Act, the Minister must be satisfied that the person or each member of the class of persons has the appropriate qualifications to carry out the duties of an inspector.

Confidentiality

- 11 Each employee, volunteer and each person making an inspection, investigation or inquiry under the Act or these regulations must keep confidential all matters that come to their knowledge in the course of their duties and, except as may be permitted by law or with the permission of the Executive Director, must
- (a) not communicate any information about the workplace or about an offender, unless communicating the information is required in the course of their duties;
 - (b) not communicate with or provide information to agents of the news media about policies, incidents or other circumstances relating to functions performed by the Correctional Services Division without authorization from the Executive Director;
 - (c) properly safeguard all documents, reports, directives, manuals and any other written material published, distributed or circulated by the Correctional Services Division;
 - (d) not remove any original or copy of a ledger, journal, report or record from a Correctional Services Division office or correctional facility;
 - (e) disclose confidential information only if obligated to disclose it, and only in accordance with policies and procedures;
 - (f) not use confidential information obtained in the course of duty for actual or anticipated gain;
 - (g) not write a letter for, make a telephone call for or in any other manner relay or convey a written or verbal message to or from an offender who is in custody in a correctional facility, except as necessary to convey a message to another person on behalf of an offender who is unable to do so because of illness or other reason and as approved by the superintendent.

Oath of office for employees

12 An employee must make the following oath or affirmation before assuming their duties:

I, _____, of _____,
Nova Scotia, make oath and say that I will well and truly serve our
Sovereign Lady the Queen as a/an _____,
position title
and I will fairly and conscientiously discharge my duties under the law
and will hold confidential all information coming into my knowledge or
possession except as may be permitted by law.

Sworn to/Affirmed at _____,
Province of Nova Scotia, on _____, 2 _____,
before me,

A Commissioner of Oaths in and for the Province of Nova Scotia

Code of Professional Conduct for Employees

Code of Professional Conduct established

13 The Code of Professional Conduct for employees is established as Sections 14 to 20.

Responsibly performing duties

14 An employee must perform their duties responsibly and do all of the following:

- (a) ensure that a statement or record of attendance or the performance of a duty is accurate before signing it;
- (b) be punctual and remain at their assigned workplace or post unless authorized to leave;
- (c) co-operate with any investigation that is conducted or authorized by supervisory staff or that is conducted in accordance with Section 21 of the Act;
- (d) obey lawful instructions that are written or otherwise issued by supervisory staff;
- (e) make reasonable efforts to avoid and prevent unjustified waste, loss or damage to any property in their professional care;
- (f) not take or borrow for personal use any stores or supplies purchased by or supplied to the Correctional Services Division;
- (g) if a supervisor, take appropriate action when an employee acts contrary to the Code of Professional Conduct;
- (h) report to their supervisor any contraband seized in accordance with Section 65 of the Act and Sections 69 to 73;
- (i) restrict the use of force to that which is reasonable and necessary to carry out their duties, in accordance with Section 43 of the Act;
- (j) take appropriate action, including the use of force in accordance with Section 43 of the Act, if an offender does any of the following:
 - (i) escapes or attempts to escape,
 - (ii) assaults an employee, another offender or a member of the public,
 - (iii) engages in any action likely to endanger life or property;

- (k) adhere to established safety practices;
- (l) promptly report a work accident;
- (m) act carefully while on duty to prevent risk or harm to any person;
- (n) properly account for and safeguard any public money or property or any money or property of any other person that comes into their possession in the course of their duties.

Conduct and deportment

- 15 An employee must demonstrate professional conduct and deportment and do all of the following:
- (a) display a professional appearance and deportment while on duty or while in uniform;
 - (b) if the employee must maintain a valid driver's licence as a requirement of employment, notify their supervisor if their driver's licence has been or will be cancelled, suspended or removed;
 - (c) not consume or bring an intoxicant at or to the workplace;
 - (d) while on duty, be unimpaired by an intoxicant, which includes not displaying any indication of the prior consumption of an intoxicant;
 - (e) if the employee is on prescribed medication that may impede performance of their normal duties, advise their supervisor before assuming their duties;
 - (f) not use indecent or profane language while on duty;
 - (g) treat the public, other employees and offenders with respect, dignity and courtesy within the work environment and in circumstances related to the employee's duties;
 - (h) if the employee's duties require constant vigilance, not read, watch television, play games or engage in any other attention-diverting activity that could detract from their ability to exercise vigilance;
 - (i) not sleep while on duty or be so positioned as to give the appearance of sleeping;
 - (j) ensure that their uniform is neat and in good repair;
 - (k) wear the required uniform or otherwise meet dress code requirements while on duty, unless otherwise instructed by their supervisor;

- (l) not wear a uniform or any part of a uniform outside of working hours, except as provided for in policies and procedures or with the specific consent of the superintendent;
- (m) not alter their uniform in any manner, except for alterations to accommodate size requirements;
- (n) return their uniform and professional identification material when they cease to be employed by the Correctional Services Division.

Positive work environment

16 (1) For the purposes of this Section,

- (a) “discrimination” means any actions or words directed toward an individual that cause an uncomfortable atmosphere in the work environment or result in unequal and usually less favourable treatment of the individual, including unequal treatment regarding any of the following:
 - (i) race,
 - (ii) ancestry,
 - (iii) place of origin,
 - (iv) colour,
 - (v) ethnic origin,
 - (vi) citizenship,
 - (vii) creed or religion,
 - (viii) gender or gender identity,
 - (ix) political belief,
 - (x) medical condition, including pregnancy,
 - (xi) source of income,
 - (xii) sexual orientation,
 - (xiii) age,
 - (xiv) record of offences,
 - (xv) marital or family status,
 - (xvi) disability;

- (b) “harassment” means a form of coercive discrimination that may be verbal, physical or sexual and may be deliberate or unintended, and that consists of persistent and repeated conduct or comments that should reasonably be known to be unwelcome by the recipient or others in the work environment.
- (2) An employee must contribute to a positive work environment and do all of the following:
- (a) treat the public, other employees and offenders with respect, dignity and courtesy within the work environment and in circumstances related to the employee’s duties;
 - (b) not use indecent or profane language, make offensive remarks or engage in offensive behavior;
 - (c) respect other peoples’ different cultural or religious beliefs and practices;
 - (d) not engage in any form of harassment or discrimination;
 - (e) speak up against discrimination and harassment in the work environment;
 - (f) facilitate and support the work of other employees while on duty or in circumstances related to their duties.

Relationships with offenders

- 17 An employee must maintain proper relationships with offenders and do all of the following:
- (a) treat offenders and their families fairly and with courtesy, respect, and honesty while on duty or in circumstances related to their duties;
 - (b) not engage in any type of personal, intimate, professional or business relationship with an offender, ex-offender or any person that could compromise the employee’s integrity with the Correctional Services Division, endanger the Division’s operation or bring the administration of the justice system into disrepute;
 - (c) not hire an offender to perform any work or provide any service without first obtaining the written permission of the employee’s supervisor;
 - (d) report to their supervisor any mistreatment of an offender by another employee or another offender;

- (e) not provide legal advice to an offender or an offender's family or associates;
- (f) not perform a personal favour for an offender if it involves engaging in an activity that is beyond the normal scope of the employee's duties or violates the rules.

Conflict of interest

- 18 (1) An employee must avoid a conflict of interest and do all of the following:
- (a) arrange their private interests to prevent a conflict of interest;
 - (b) disclose any potential conflict of interest to their supervisor and comply with the supervisor's decision with respect to declaring the potential conflict of interest;
 - (c) not work for any employer other than the Correctional Services Division, if the work for the other employer would
 - (i) give rise to a conflict of interest or to a situation that would appear to be a conflict to an informed, objective observer,
 - (ii) be likely to bring the government, the Department of Justice, or the Correctional Services Division into disrepute,
 - (iii) be conducted during the employee's normal working hours in any location, unless sufficient time for the other work could be taken either at the beginning or end of the normal working hours and the employee can ensure that the other employer is aware that the work will be conducted in accordance with this policy,
 - (iv) conflict with the employee's duties;
 - (d) not work for any employer other than the Correctional Services Division while on general or short-term illness leave;
 - (e) not solicit or accept, directly or indirectly, a fee, gift or benefit from a person or an organization who has dealings with government, if the fee, gift or benefit could influence the performance of the employee's duties;

- (f) not solicit or accept fees, gifts or other benefits that are connected with the performance of their duties in circumstances other than
 - (i) the normal exchange of gifts between friends,
 - (ii) the normal exchange of hospitality between persons doing business together,
 - (iii) the exchange of tokens for reasons of protocol, or
 - (iv) the normal presentation of gifts to persons participating in public functions;
- (g) obtain authorization from the Executive Director before trading in intellectual property that has been developed by employees for use within the [Correctional Services] Division;
- (h) obtain authorization from their supervisor before using and reimburse the government after using government equipment, including photocopiers, fax machines, cellular phones, personal digital assistants, computers and other communication devices, including 2-way radios and pagers, for personal use;
- (i) not engage in activities that detract from performance of their duties, such as extended personal visits during hours of duty, leaving the workplace to engage in personal errands, or engaging in lengthy personal telephone calls;
- (j) not use their professional position, title or authority for personal advantage in dealing with others;
- (k) adhere to restrictions that are required by Provincial government policies governing the involvement of public employees in political activities;
- (l) benefit from government programs, services, and initiatives only to the extent that a member of the public could benefit from them;
- (m) benefit from information that is obtained in the course of their employment only to the extent that a member of the public could benefit from it;

- (n) not benefit from or permit the use of government property, including property leased to the government, or government services for anything other than the performance of official duties and functions, except to the extent that a member of the public could use or benefit from them;
 - (o) if the employee's spouse or dependent child has a contract or agreement with the Provincial government or with any minister or department of the Provincial government, disclose the existence of the contract to the employee's supervisor, unless the contract was awarded through public tender.
- (2) Any doubt about whether an employee is involved in a conflict of interest must be resolved in favour of the public interest.

Public comments and activities

- 19 (1) An employee who is a union member, union steward, executive member of a union or union official may make public comments about
- (a) collective bargaining matters;
 - (b) administrative or implementation practices relating directly to specific articles of the applicable collective agreement.
- (2) An employee who is a union member, union steward, executive member of a union or union official must not engage in union activity while on duty, unless the activity is authorized by management, the applicable collective agreement or policies and procedures.
- (3) An employee, including an employee who is a union member, union steward, executive member of a union or union official, must not make public comments that are knowingly reckless, false or malicious or that may jeopardize the safety or security of the public, employees or offenders.

Consequences of non-compliance with the Code

- 20 (1) An employee who does not comply with the Code of Professional Conduct may be subjected to disciplinary action by the employer, up to and including dismissal.
- (2) Any disciplinary action by the employer must be exercised reasonably and with consideration of all relevant circumstances.

For the full Correctional Services Act please refer to
<http://nslegislature.ca/legc/statutes/corrserv.htm>

For the full Correctional Services Regulations please refer to
<http://www.novascotia.ca/just/regulations/regs/CORserv.htm>

For the full Sharing of Health Information Regulations please refer to
<https://www.novascotia.ca/just/regulations/regs/CORshlth.htm>

For an electronic copy of this booklet please refer to
<http://novascotia.ca/just/Corrections/>

